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TOWN OF JONESPORT
WASHINGTON COUNTY, MAINE
LAND USE AND DEVELOPMENT ORDINANCE



Updated: 05/19/2015

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LAND USE AND DEVELOPMENT ORDINANCE

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TOWN OF JONESPORT
Washington County, Maine
LAND USE AND DEVELOPMENT ORDINANCE

NOTE: Original Ordinance adopted on 1/19/1988 by the Town of Jonesport. References from Town Clerk Minutes are included from January 19, 1988 to May 19, 2015. Please note last pages of the Ordinance.

Section 1. PURPOSE

To protect property owners in the Town of Jonesport from new uses of land or structures which would make their own property less desirable; to protect the established character, social and economic stability of the Town of Jonesport; to give the people of the Town an opportunity to be made aware and to comment upon the new uses of land or structures before such use occurs.

Section 2. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30, Maine Revised Statutes Annotated, Section 1917.

Section 3. APPLICABILITY

This Ordinance shall apply to all proposals for new structures, and to proposals for enlargement of existing structures, and to all new uses of land, except agriculture and forest management activities, and single story outbuildings of one hundred (100) square feet or less. See Table of Land Uses, Section 15 for more specific information. (Amended: 3/12/90)

Section 4: NON-CONFORMING USES

- A. Structures and land uses lawful at the time of adoption or amendment of the Ordinance, may continue even though such uses do not conform to the provisions of this Ordinance.
- B. A non-conforming structure or use may be maintained or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of the Ordinance.
- C. A non-conforming structure or use which is removed may not be replaced unless a waiver is granted under the provisions of Section 8 of the Ordinance.

Section 5. PROCEDURES

A-1. Before any activity to which this Ordinance applies, an application shall be filed with the Planning Board for review. The application to the Planning Board shall be accompanied by a fee according to the revised fee schedule and payable to the Town of Jonesport:

0-200 sq ft	\$ 0.00
201-500 sq ft	\$ 25.00
501-1500 sq ft	\$ 50.00
1501-3500 sq ft	\$100.00
3501+ sq ft	\$200.00 (Amended: 3/08/2004)

CEO and Building Permit fees to be double the normal rate for "after the fact" projects. Windmills shall file a 200+ Square Footage application regardless of the size.(Added 3/09/2015)

A-2. Also, a Code Enforcement Office Inspection form must accompany each permit application. CEO fee of \$100.00 to be made payable to the Treasurer, Town of Jonesport, except for applications for structures under 200 square feet for which a fee of \$50.00 will be charged. The application will not be considered without the accompanied fee. Within 30 days of receiving an application, the Planning Board or Code Enforcement Officer shall notify the applicant that the application is complete or if specific additional material is needed to make it complete. Application forms are available at the Town Office. Permits are not transferable. Existing permits expire upon transfer of ownership. (Amended: A-1 & A-2 on 3/12/1990, 3/10/2003 and A-2 on 3/12/2007).

B. Once the application is completed, the Planning Board shall set a time and place for a meeting for considering it and will notify the applicant.

C. The Planning Board shall post notices of proposals and meetings in the Town Office and publish them in a local newspaper. The Planning Board will inform abutters of proposals only where major development will occur such as multi-dwelling units or commercial structure. (Amended: 6/17/2002)

D. The Planning Board may hold a public hearing on the proposal within 30 days of receipt of the application, if it feels such a hearing will be helpful in considering the proposal. If requested by one or more abutters, the Board shall hold a public hearing.

E. Within 30 days of the public hearing or 60 days of receiving the application, the Planning Board shall either approve, approve with conditions, or disapprove the application. This time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

F. All structures over two hundred (200) square feet requiring a building permit shall require a Certificate of Compliance from the Code Enforcement Officer. The Certificate of Compliance shall be granted for structures that are constructed according to the building permit that was granted by the Planning Board. (Amended: 6/12/1989)

Section 6. PERFORMANCE STANDARDS

The following standards shall be used by the Planning Board for judging an application and shall serve as minimum requirements for approval of the proposal unless a waiver is granted in accordance with Section 8 of the Ordinance.

A. Neighborhood Impact: The development shall not have any unnecessary adverse impact upon the neighborhood, and shall not be detrimental, injurious, noxious, or offensive to neighboring properties, especially residences. The development shall have sufficient setbacks, screening, fencing, plantings, or open space to minimize unavoidable adverse impact upon neighboring properties.

B. Vehicular Access: The proposed site layout shall provide for safe access and egress from public or private roads.

C. Parking: Adequate off-road parking shall be provided. (See Section 7, Paragraph B for requirements.)

D. Surface Water Drainage: Adequate provision shall be made so that removal of surface waters will not adversely affect neighboring properties, streams, or drainage systems.

E. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties.

F. Signs: Signs shall be designed and located to minimize adverse impact upon neighboring properties.

G. Town Services: The development shall not have an adverse impact upon roads, fire, police, solid waste program, schools, open spaces, recreational facilities, or other town services and facilities.

H. Natural Environment: The proposal has received all necessary State and Federal environmental approvals.

I. Automobile Graveyards or Junkyards: No "automobile graveyards" or "junkyard" shall be established, operated or maintained, or permitted by the owner of any land to be established, operated or maintained within six hundred (600) feet of the right of way of highway Route 187 within the municipality of Jonesport. (Amended: 6/12/1989)

J. Land Clearing: Land developers and (all land owners) shall be responsible for debris from clearing land. Debris disposal shall be at the owner's expense, on site or other satisfactory means; not on the municipal landfill (dumpsite). (Amended: 3/11/1991)

Section 7. ADDITIONAL STANDARDS

A. Dimensional Requirements:

1. State Roads: All structures shall be set back outside of the State of Maine, Department of Transportation right-of-way (ROW) established for a given road. Route 187 is a State road. Most of Route 187 within the Jonesport Municipal boundaries has a ROW of sixty-six feet (66'). Setback requirements measure thirty-three feet (33') in a perpendicular direction from the centerline of the road. However, portions of Route 187 have a wider ROW.

2. Town Roads: All structures shall be set back a minimum of thirty-three feet (33') in a perpendicular direction from the centerline of the road.

3. Notwithstanding A(2), On Town Roads, in any case in which a house is to be situated between two other houses, fronting on the same street as the proposed house, each of which is not more than two hundred feet (200') distant and both of which have less than the required front yard setback, then the required front yard setback of the proposed house may be reduced to the average setback of the two adjoining houses.

4. Private Roads: All structures shall be set back a minimum of ten feet (10') from the outside edge of the travel lane. The width of the travel lane of a private road will be determined through interpretation of language contained in the land deed(s).

5. When no road exists, all structures shall be set back a minimum of ten feet (10') from all property boundaries. (#1-5 Amended: 6/9/2009)

(Dimensional requirement numbers 6,7,8 and 9 repealed by vote May 18, 2015)

10. Tower (see definition) shall have setbacks of 1.5 times the max height of the tower and equipment. (Added 03/09/2015)

B. Off-Road Parking:

1. At least two (2) off-road parking spaces shall be provided per dwelling unit for all new or expanded residential structures. Each space shall be at least ten (10) feet by twenty (20) feet. (Amended: 6/17/2002)

2. New commercial and industrial development shall provide ample parking spaces on the premises to accommodate vehicles of employees and customers, and such spaces shall not be located closer than ten (10) feet from any lot line, and shall be designed so as to minimize backing or maneuvering in a public road or street.

C. Roads:

Roads serving new development and which may become Town roads shall meet the following standards.

1. Roads shall be located, constructed, and maintained in such a manner that erosion is minimized.

2. All roads shall have a right-of-way of at least fifty (50) feet and a roadway width of at least eighteen (18) feet centered on the right-of-way.

3. Dead end roads must have a turn-around with a right-of-way radius of at least forty-five (45) feet and a maintained radius for forty (40) feet. (Amended: 3/12/1990)

4. Roads shall be arranged to provide for extension or connection of an eventual necessary road system. (Amended: 3/12/1990)

5. The grade of all roads must be at least one percent (1%) but less than nine percent (9%).

6. Intersections shall be as nearly as possible at right angles and shall have a curved radius between the intersecting right-of-way lines of twenty (20) feet.

7. Roads shall have a four-inch (4") crown, and an eighteen inch (18") to twenty-four inch (24") base.

8. Bituminous paving or other surface treatment shall be required. (Amended: 3/12/1990)

9. A permit shall not be required for placement of gravel for repair and maintenance of existing roadways or driveways. (Amended: 6/22/1992)

D. Mobile Homes:

1. Permanent:

Placement or location of mobile homes shall be permitted on any lot which meets the Minimum Lot Size Requirements of this Ordinance provided such mobile homes shall be in conformance with other applicable provisions of the Ordinance and State regulations. (Amended: 3/12/1990)

2. Temporary:

Mobile home units which must be utilized as temporary housing for construction, Selectmen may cause said units to be removed at the expense of the party responsible for initial placement of said units.

E. Road Buffers:

Excluding State roads, the boundaries of a parcel of land, running with a road within the boundary of the Town may be delineated with a boundary marker as follows.

1. On Town Roads, whether paved or gravel, a five-foot (5') wide buffer area, to be determined as the measured distance from the edge of the travel lane of the road, must be free from obstructions.

2. On Private Roads, whether paved or gravel, a five-foot (5') wide buffer area, to be determined as measured from the deeded boundary of the road, may be delineated with boundary markers not greater than eight inches (8") in height as measured from the road surface. Boundary markers greater than eight inches (8") in height must be positioned outside the five-foot (5') buffer area. (Amended: 6/9/2009)

F. Lots:

1. Principal structures on lots divided after January 19, 1988 shall require 30,000 square feet and 150 feet of road frontage. This road frontage can include frontage on an access road that connects to a main road. The access road must be a deeded right of way with a meets and bounds description. The right of way must be at least 33 feet in width with access for utilities. (Added May 18, 2015)

2. Each additional dwelling unit above two in a principal structure shall require an additional lot area of 15,000square feet per unit. (Added May 18, 2015)

3. Additional principal structures or uses and any accessory structures thereto may be constructed upon a lot provided there is at least 30,000 square feet of lot area for each principal structure and all other applicable standards of this Ordinance are met. (Added May 18, 2015)

4. Any lot in existence on January 19, 1988 shall be considered a legal lot of record. If a legal lot of record does not comply with the lot standards contained in subsections (1) or (2), the lot may nevertheless be used for purposes allowed in its zoning district provided all other applicable standards of this Ordinance are met. (Added May 18, 2015)

5. In the event that a non-conforming lot was created after January 19, 1988, the lot may be used for an accessory structure to a residential use provided the structure has no provision for plumbing facilities and does not exceed 450 square feet in gross floor area. (Added May 18, 2015)

Section 8. WAIVERS

The Planning Board may modify or waive any of the Section 6 "Performance Standards" or Section 7 "Additional Standards" when it determines, in writing, that because of the special circumstances of the site, such standards would not be applicable or would be an unnecessary burden upon the applicant, and that such waiver would not adversely affect the abutting land owners and the general health and welfare of the Town.

Section 9. ENFORCEMENT

A. Nuisances:

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer:

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find any provision of this Ordinance is being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record by the Planning Board.

C. Legal Actions:

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are authorized and directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality or Town.

D. Fines:

Any OWNER, APPLICANT AND CONTRACTOR who continues to violate any provision of this Ordinance after receiving notice of such violation shall be LIABLE of a civil offense, subject to a fine not less than \$100 (One Hundred Dollars) nor more than \$2,500 (Two Thousand, Five Hundred Dollars) for each DAY OF THE

violation. Fines shall be PAYABLE TO THE TOWN TREASURER AND SHALL BE DEPOSITED IN THE APPROPRIATE ACCOUNT. (Amended: 6/01/2006)

E. Appeals:

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

Section 10. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 11. CONFLICTS WITH OTHER ORDINANCES

Where provisions of this Ordinance conflict with the provisions of other regulations or ordinances, whichever imposes the more stringent restrictions shall prevail.

Section 12. AMENDMENTS

Amendments or revisions of this Ordinance may be adopted in the same manner in which it was originally enacted in accordance with Title 30, M.R.S.A., and Subsection 2153.

Section 13. EFFECTIVE DATE

The effective date of this Ordinance is January 20, 1988. Copies of this Ordinance and all amendments to it shall be filed with the Town Clerk and the Washington County Registrar of Deeds.

Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE

Except as specifically defined herein, all words in this Ordinance shall carry their customary dictionary meanings. For the purpose of this Ordinance, certain words or terms used herein are to be construed or defined as follows:

1. "Town" or "Municipality" means the Town of Jonesport. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended", "arranged", "designed to be used" or "occupied".

2. Accessory Structure:

A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

3. Agriculture:

The science or art of cultivating land in the raising of crops; husbandry; farming. The production of crops, livestock or poultry.

4. Boundary Marker:

A physical marker placed along a deeded lot line for the purpose of delineation of real property or used to prevent trespass. Boundary markers shall include: curbing, rocks, shrubbery, fences and other landscaping architecture. Boundary markers must provide for "safe sight height" for public safety. (Amended: 6/9/2009)

5. Dwelling Unit:

A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters for only one family. The term shall include Mobile Homes.

6. Forest Management Activities:

LAND USES	RESOURCE PROTECTION	LIMITED RESIDENTIAL RECREATIONAL	GENERAL DEVELOPMENT	*HARBOR DISTRICT	MARITIME ACTIVITIES DISTRICT
1. Non-intensive recreation uses not requiring structures such as hunting, fishing & hiking	YES	YES	YES	YES	YES
2. Motorized vehicular traffic on roads, trails, and snowmobiles, insect and disease control, timber stand improvement, regeneration of forest stands, and other forest resources evaluation activities, management, planning activities, pruning, timber harvesting and other forest harvesting,	YES	YES	YES	YES	YES
3. Forest management activities except for timber harvesting	YES	YES	YES	YES	YES
4. Timber harvesting*	CEO	YES	YES	YES	YES
5. Fire prevention activities	YES	YES	YES	YES	YES
6. Wildlife management practices	YES	YES	YES	YES	YES
7. Soil & water conservation practices	YES	YES	YES	YES	YES
8. Mineral exploration*	YES	YES	YES	YES	YES
9. Surveying & resource analysis	YES	YES	YES	YES	YES
10. Emergency operations as defined	YES	YES	YES	YES	YES
11. Harvesting of wild crops	YES	YES	YES	YES	YES
12. Agriculture*	PB	YES	YES	YES	YES
13. Principal Structures*					
A. Single family dwelling units	NO	PB	PB	PB	PB
B. Two family dwelling units	NO	PB	PB	PB	PB
C. Multi-family dwelling units (conversion)	NO	PB	PB	PB	PB
D. Lodging units (Not including Bed & Breakfast)	NO	PB	PB	PB	NO
E. Commercial structures	NO	NO	PB	PB	PB
F. Industrial structures	NO	NO	PB	PB	NO
G. Governmental structures	NO	PB	PB	PB	PB
H. Institutional structures	NO	NO	PB	PB	NO
14. Structures accessory to permitted uses*	CEO	CEO	CEO	CEO	PB
15. Small non-residential facilities for education, scientific or natural interpretation purposes	PB	YES	YES	YES	YES
16. Public & private parks & recreation areas involving minimal structural development	PB	YES	YES	YES	YES
17. Home occupation/Profession*				PB	PB
18. Campgrounds*				PB	NO
19. Marine related activities				PB	PB
A. Commercial fishing activities	PB	PB	PB	YES	YES
B. Functionally water-dependent Uses	PB	PB	PB	PB	YES
C. maritime activities	PB	PB	PB	PB	YES
20. Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length & uses projecting into, on or over water bodies*					
A. Temporary	CEO	CEO	CEO	CEO	CEO
B. Permanent	PB/DEP	PB/DEP	PB/DEP	PB/DEP	PB/DEP
21. Road construction*	PB	PB	PB	PB	PB
22. Beach construction*	NO	PB	PB	PB	PB
23. Clearing for approved construction	CEO	YES	YES	YES	YES
24. Essential services accessory to permitted uses	YES	YES	YES	YES	YES
25. Private sewage disposal system	NO	LPI	LPI	LPI	LPI
26. Public utilities, including sewage collection & treatment facilities	PB	PB	PB	PB	PB
27. Signs*	YES	YES	YES	YES	YES
28. Filling or other earthmoving activity of less than 10 cubic yards	CEO	YES	YES	YES	YES
29. Filling or other earthmoving activities of more than 10 cubic yards	PB	CEO	CEO	CEO	CEO
30. Uses similar to permitted uses	CEO	CEO	CEO	CEO	CEO

7. Lot:

An area or parcel of land and/or water in the same ownership for which one deed exists recorded in the County Registry of Deeds; also, a parcel of land occupied or capable of being occupied by one structure and the accessory structures or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon a public street or a street in a subdivision which has been approved by the Planning Board. A lot has a "front lot line" on any street OR WATER BODY which it abuts; a "side lot line" abutting adjacent lots of common frontage and a "rear lot line" abutting lots not in common frontage. (Amended: 6/17/2002)

8. Mobile Home:

A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported one or more sections, by the use of its own chassis or placed on an independent chassis, to a building site; and which is ten (10) body feet or more in width and thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with utilities and include the plumbing, heating, air conditioning, and electrical systems contained therein.

9. Structure:

Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to: buildings, walls, porches, decks, swimming pools, and billboards. Structures do not include boundary markers, utility poles and guy wires, mail boxes, tents and awnings. (Amended: 6/9/2009)

10. Subdivision:

The division of a lot, tract, or parcel of land into three or more lots, within any five year period, whether accomplished by sale, lease, development, building, or otherwise as defined by Title 30, M.R.S.A. and Subsection 4956, as amended.

11. Tower: Such as transmission tower, windmills, antennas and similar structures having no floor area."

12. "Grandfathered lots: lots created before January 19, 1988." (Added May 18, 2015)

13. "Non-conforming lot: a single lot of record which, as of January 19, 1988, does not meet the area, frontage or width requirements of the district in which it is located." (Added May 18, 2015)

14. "Restaurant" means an establishment where food and drink are prepared and served to the public; all serving must be stopped by 10:00 p.m. The term includes establishments where alcoholic beverages are sold for consumption on premises, provided the service of alcoholic beverages is secondary to the service of food and that food is offered for sale at all times that alcoholic beverages are offered for sale. Service of alcoholic beverages is considered secondary to the service of food provided the gross receipts from the sale of alcoholic beverages do not exceed 1/3 of the establishment's gross receipts. (Added May 18, 2015)

15. "Bar, Tavern, or Lounge" means an establishment where the sale of alcoholic beverages for consumption on premises *is equal to or* exceeds 1/3 of the establishment's gross receipts, regardless of whether other food and drink are prepared and served to the public. (Added May 18, 2015) (deleted 10/20/15 by vote at Special Town Meeting)

Section 15. TABLE OF LAND USES

REFERENCES FROM TOWN CLERK TOWN MEETING MINUTES, DATED FROM **JANUARY 19, 1988 TO MARCH 12, 2007**

1. This original Ordinance entitled "JONESPORT LAND USE REGULATIONS ORDINANCE" was included in Article 7 of a **Special Town Meeting Warrant** held on Tuesday, **January 19, 1988 @ 7:00 p.m.** at the Jonesport Fire Station at West Jonesport in which sixty (60) registered voters attended. The Article was voted on and was approved by a vote of twenty-six (26) to two (2).

2. Special Town Meeting Warrant, June 12, 1989: Monday @ 7:00 p.m. at Jonesport-Beals High School Gymnasium at Snare Creek.

a. Article 3. Section 5. PROCEDURES F.

Voting results: Twenty-five (25)-YES; Zero (0)-NO

b. Article 4. Section 6. PERFORMANCE STANDARDS I.

Voting results: Twenty-nine (29)-YES; Zero (0)-NO

3. ANNUAL TOWN MEETING WARRANT, MARCH 12, 1990: Monday @ 10:00 a.m. at the Jonesport-Beals High School Gymnasium at Snare Creek which about 203 registered voters attended:

a. Article 43. Section 3. APPLICABILITY

Voting results: YES in favor by all; Zero (0)-NO

b. Article 44. Section 5. PROCEDURES A and A-2

Voting results: YES in favor by all; Zero (0)-NO

c. Article 45. Section 7. ADDITIONAL STANDARDS, Roads (3), (4), (8) and D. MOBILE HOMES 1. Permanent

Voting results: Eleven (11)-YES; Zero (0)-NO

d. Article 46. Section 15. TABLE OF LAND USES, 1 through 33

Voting results: YES in favor by all; Zero (0)-NO

4. Annual Town Meeting Warrant, March 11, 1991: Monday @ 11:00 a.m. at the Jonesport-Beals High School Gymnasium at Snare Creek which about 116 registered voters attended.

a. Article 42. Section 6. PERFORMANCE STANDARDS, Land Clearing, Paragraph J

Voting results: Motion made and seconded to accept as written. Yes Hand Vote.

5. Special Town Meeting, June 22, 1992: @ 7:00 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek, estimated attendance was 68 registered voters.

a. Article 6A. Section 7. Paragraph C – ROADS, new Sub-Paragraph 9.

Voting results: Motion made and seconded to accept as read. Hand count. Twenty-eight (28)-YES; Zero (0)-NO

6. Special Town Meeting, May 21, 1996: @ 7:00 p.m. at the Jonesport Elementary School Gymnasium at Snare Creek, estimated attendance was 87 registered voters.

a. Article 6. Section 3. APPLICABILITY

Voting results: TAKE NO ACTION

b. Article 7. Section 5. PROCEDURES

Voting results: TAKE NO ACTION

c. Article 8. Subsection A. DIMENSIONAL REQUIREMENTS

Voting results: Total ballots cast – 53, necessary to win – 27

Fourteen (14)-YES; Thirty-nine (39)-NO carried. ARTICLE DEFEATED

d. Article 9. Section 9. ENFORCEMENT. Subsection B. "Code Enforcement Officer"

Voting results: TAKE NO ACTION

e. Article 10. Section 9. ENFORCEMENT, Subsection D. FINES.

Voting results: TAKE NO ACTION

Note: The preceding references were copied from Meeting Minutes of Ida F. Higgins, Town Clerk.

7. Special Town Meeting, June 17, 2002: @7:00 p.m. at the Jonesport Elementary School Gymnasium at Snare Creek.

a. Article 8. Section 5. PROCEDURES, Paragraph C

Voting results: (16 Ballots cast) Fifteen (15)-YES; One (1)-NO

b. Article 9. Section 7. ADDITIONAL STANDARDS. A. Dimensional Requirements Paragraph 1

Voting results: (16 Ballots cast) Sixteen (16)-YES; Zero (0)-NO

c. Article 10. Section 7. ADDITIONAL STANDARDS, Paragraph 2

Voting results: (14 Ballots cast) Fourteen (14)-YES; Zero (0)-NO

d. Article 11. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements B. Off-Road Parking, Paragraph 1

Voting results: (14 Ballots cast) Fourteen (14)-YES; Zero (0)-NO

e. Article 12. Section 14. DEFINITION OF TERMS. Paragraph 6, LOT (Last sentence)

Voting results: (16 Ballots cast) Sixteen (16)-YES; Zero (0)-NO

8. Annual Town Meeting, March 10, 2003: @ 10:00 a.m. at the Jonesport-Beals High School Gymnasium at Snare Creek.

a. Article 33. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements, Paragraph 2

Voting results: To postpone to a later meeting

(39 Ballots cast) Thirty-nine (39)-YES; Zero (0)-NO

b. Article 34. Section 9. ENFORCEMENT, D. Fines

Voting results: To postpone to a later meeting

(39 Ballots cast) Thirty-nine (39)-YES; Zero (0)-NO

c. Article 35. Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE, Paragraph 6. LOT.

Voting results: To postpone to a later meeting

(39 Ballots cast) Thirty-nine (39)-YES; Zero (0)-NO

d. Article 48. Section 5. PROCEDURES, A-1.

Voting results: Hand vote in favor of amending the article. Motion made and seconded

to accept the article as amended. Hand vote: Twelve (12)-YES; Zero (0)-NO

9. Annual Town Meeting, March 8, 2004: @ 3:30 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek.

a. Article 44. Section 5. PROCEDURES, A-1: To amend the previous fee schedule accepted at the 3/10/2003 Meeting, Article 48.

Voting Results: (Hand Vote) Twenty-two (22)-YES; Zero (0)-NO

10. Annual Town Meeting, March 13, 2006: @ 3:30 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek.

a. Article Nos. 33, 34 and 35. Postponed until June 1, 2006 Special Town Meeting

Voting Results: Thirty-nine (39)-YES; Zero (0)-NO

11. Special Town Meeting, June 1, 2006: @ 7:00 p.m. at the Jonesport Elementary School

a. Article 6. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements, Paragraph 2

Voting results: Moderator's request to have 6A and 6B as two proposal within this article. 6A: NO ACTION. Nine (9)-YES; Zero (0)-NO & 6B: NO ACTION. Fourteen (14)-YES; Zero (0)-NO

b. Article 7. Section 9. ENFORCEMENT, D. Fines

Voting Results: To accept the article as read. Hand vote. Fourteen (14)-YES; Zero (0)-NO

c. Article 8. Section 14. DEFINITIONS OF TERMS USED IN THIS ORDINANCE, Paragraph 6. LOT

Voting results: TAKE NO ACTION by Hand Vote. Fourteen (14)-YES; Zero (0)-NO

12. Annual Town Meeting, March 12, 2007: @ 3:30 p.m. at Jonesport-Beals High School Gymnasium

a. Article 35. Section 5. PROCEDURES, Paragraph A-2.

Voting results: Motion made and seconded to amend article to include an additional \$50.00 CEO fee for each subdivision lot. After much discussion and debate, the aforementioned motion was rescinded. Motion made and seconded to take no action on this article. Ten (10)-YES; Fourteen (14)-NO. Motion made and seconded to accept article as written. Fourteen (14)-YES; Twelve (12)-NO

Note: Reference Nos. 7 through 11 were copied from Meeting Minutes of Tonia J. Merchant, Town Clerk, Town of Jonesport.

13. Special Town Meeting, June 9, 2009: @ 6:00 p.m. at the Jonesport Elementary School

a. Article 2. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements, #1-5 and E. Road Buffers. Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE, #4. Boundary Markers.

Voting results: Sixteen (16)-YES; Zero (0)-NO

FYI: Land Use and Development Ordinance is saved on laptop in Microsoft Word and titled "Land Use and Development Ordinance".

Updated: June 18, 2009

By: slm

14. Annual Town Meeting, March 09, 2015 @ 3:30p.m. at the Jonesport-Beals High School gym..

Article: 38: To see if the Town shall amend Section 5 A-1 Procedures of the TOWN OF JONESPORT Washington County, Maine *LAND USE AND DEVELOPMENT ORDINANCE* to include "CEO and Building Permit fees to be double the normal rate for "after the fact" projects. Windmills shall file a 200 + Square Footage application regardless of the size."

Motion was made and seconded to accept as written. Motion carried 57-1.

Article: 39: To see if the Town shall amend Section 7 -Dimensional Requirements of the TOWN OF JONESPORT Washington County, Maine *LAND USE AND DEVELOPMENT ORDINANCE* to include "10. Tower (see definition) shall have setbacks of 1.5 times the max height of the tower and equipment Motion was made and seconded to accept as written. Motion carried 48-0.

Article: 40: To see if the Town shall amend Section 14-Definitions of the TOWN OF JONESPORT Washington County, Maine *LAND USE AND DEVELOPMENT ORDINANCE* to include "Tower: Such as transmission tower, windmills, antennas, and similar structures having no floor area."

Motion was made and seconded to accept as written. Motion carried 48-0 .BY IFR

15. Special Town Meeting, May 18, 2015 @ 6:00 p.m. at the Jonesport Elementary School.

Article 18. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: repeal of Section 7 Addition Standards A. dimensional requirement numbers 6, 7, 8 and 9. Motion was made and seconded to approve the article as written. Motion carried: 24-0.

Article 19. to see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7 "F. Lots 1. Principal structures on lots divided after January 19, 1988 shall require 30,000 square feet and 150 feet of road frontage. This road frontage can include frontage on an access road that connects to a main road. The access road must be a deeded right of way with a meets and bounds description. The right of way must be at least 33 feet in with access for utilities. Motion was made and seconded to approve the article as written. Motion carried: 23-0.

Article 20. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7 "F. Lots 2. Each additional dwelling unit above two in a principal structure shall require an addition lot area of 15,000 square feet per unit." Motion was made and seconded to approve the article as written. Motion carried: 21-0

Article 21. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7:F. Lots 3. Additional principal structures or uses and any accessory structures thereto may be constructed upon a lot provided there is at least 30,000 square feet of lot area for each principal structure and all other applicable standards of this Ordinance are met." Motion was made and seconded to approve the article as written. Motion carried: 23-0.

Article 22. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7 "F. Lots 4. Any lot in existence on January 19, 1988 shall be considered a legal lot of record. If a legal lot of record does not comply with the lot standards contained in subsections (1) or (2), the lot may nevertheless be used for purposes allowed in its zoning district provided all other applicable standards of this Ordinance are met." Motion was made and seconded to approve the article as written. Motion carried: 22-0

Article 23. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7"F. Lots 5. In the event that a non-conforming lot was created after January 19, 1988, the lot may be used for an accessory structure to a residential use provided the structure has no provision for plumbing facilities and does not exceed 450 square feet in gross floor area." Motion was made and seconded to approve the article as written. Motion carried: 24-0

Article 24. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Section 14 Definitions:"Grandfathered lots: lots created before January 19, 1988." Motion was made and seconded to approve the article as written. Motion carried: 24-0

Article 25. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 14 Definitions: "Non-conforming lot: a single lot of record which as of January 19, 1988, does not meet the area, frontage, or width requirements of the district in which it is located." Motion was made and seconded to approve the article as written. Motion carried: 24-0

Article 26. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 14 Definitions: Restaurant” means an establishment where food and drink are prepared and served to the public; all serving must be stopped by 10:00 p.m. The term includes establishments where alcoholic beverages are sold for consumption on premises provided the service of alcoholic beverages is secondary to the service of food and that food is offered for sale at all times that alcoholic beverages are offered for sale. Service of alcoholic beverages is considered secondary to the service of food provided the gross receipts from the sale of alcoholic beverages do not exceed 1/3 of the establishment’s gross receipts. Motion was made and seconded to approve the article as written. Motion carried; 23-1

Article 27. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 14 Definitions: “Bar, Tavern, or Lounge: means an establishment where the sale of alcoholic beverages for consumption on premises is equal to or exceeds 1/3 of the 3establishment’s gross receipts, regardless of whether other food and drink are prepared and served to the public. Motion was made and seconded to approve the article as written. After much discussion and consensus that the wording “is equal to or” would be amended in another town meeting the question was call by a vote of 24-0. Motion carried; 21-0

Article 28. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 15(Table of Land uses):

LAND USES	RESOURCE PROTECTION	LIMITED RESIDENTIAL RECREATIONAL	GENERAL DEVELOPMENT	*HARBOR DISTRICT	MARITIME ACTIVITIES DISTRICT
34. Restaurant	NO	NO	PB	PB	PB
35. Bar, Tavern, or Lounge	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

Motion was made and seconded to approve the article written.

Motion carried: 21-0

Town of Jonesport
OFFICE OF THE SELECTMEN
PO Box 489
Jonesport, ME 04649
SHELLFISH CONSERVATION ORDINANCE

1. **Authority:** This ordinance is enacted in accordance with 12 M.R.S.A., Section 6671.

2. **Purpose:** To establish a Shellfish Conservation Program for the Town of Jonesport, which will assure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing;
- B. Limiting the number of shellfish harvesters;
- C. Restricting the time and area where digging is permitted;
- D. Limiting the minimum size of clams taken;
- E. Limiting the amount of clams taken daily by a harvester.

3. **Shellfish Conservation Committee:** The Shellfish Conservation Program for the Town of Jonesport will be administered by the Shellfish Conservation Committee consisting of five (5) members to be elected/appointed annually at town meeting for the term of one (1) year. The Committees' responsibilities include:

- A. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation;
- B. Keeping this ordinance under review and making recommendations for its amendments;
- C. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources;
- D. Recommending conservation closures and openings to the Board of Selectmen or Council in conjunction with the Area Biologists of the Department of Marine Resources;
- E. Submitting an annual report to the Municipality and the Department of Marine Resources covering the above topics and all other committee activities.
- F. Establishing, annually, in conjunction with the Department of Marine Resources the number, type and fees of shellfish harvesting licenses to be issued in accordance with DMR Regulations Chapter 7.30(1).

4. **Definition:**

- A. **RESIDENT:** The term "resident" refers to a person who has domiciled in this municipality for at least three (3) months next prior to the time his claim of such residence is made.
- B. **NONRESIDENT:** The word "nonresident" means anyone not qualified as a resident under this ordinance.
- C. **SHELLFISH, CLAMS AND INTERTIDAL SHELLFISH RESOURCES:** When used in the context of this ordinance the words "shellfish", "clams", and "intertidal shellfish resources" mean soft shell clams, May arenaria.
- D. **MUNICIPALITY:** Refers to the Town of Jonesport, Maine.

5. **Licensing:** A Municipal Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this ordinance.

E. **Personal Use:** For consumption or use by oneself, by members of the immediate family or by invited guests.

A. **Designation, Scope and Qualifications:**

i. **Resident Commercial Shellfish License:** The license is available to the residents of the Town of Jonesport and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.

ii. *Nonresident Commercial Shellfish License*: The license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.

iii. *Resident Recreational Shellfish License*: The license is available to residents of this town and entitles the holder to dig and take not more than one (1) peck of shellfish in any one (1) day for personal use only.

iv. *Nonresident Recreational Shellfish License*: The license is available to nonresidents and nonresident real estate taxpayers and entitles the holder to dig and take not more than one (1) peck of shellfish in any one (1) day for personal use only.

v. *Senior Resident and Senior Nonresident Recreational License*: The license is FREE to residents and nonresidents who are 65 years or older and entitles the holder to dig and take not more than one (1) peck of shellfish in any one (1) day for the use of himself/herself and his/her family, from July 1 to June 30.

vi. A. **LICENSE MUST BE SIGNED**: The licensee must sign the license to make it valid.

B. **APPLICATION PROCEDURE**: Any person may apply to the appointed agent/Town Clerk for the licenses required by this ordinance on forms provided by the municipality.

i. *Contents of the Application*: The application must be in the form of an affidavit and must contain the applicant's name, birth date, current address, height, weight, signature and any other information the municipality may require.

ii. *Misrepresentation*: Any person who gives false information on a license application will cause said license to become void and invalid.

*C. **FEES**: *Fees may be subject to change*. The appointed agent/Town Clerk pays all fees received to the Town Treasurer. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement. Fees must be paid in full when applying for the respective license. Licenses available for sale are:

Resident Commercial
Nonresident Commercial
Resident Recreational
Nonresident Recreational
Senior Resident Recreational (65 years and older): FREE
Senior Nonresident Recreational (65 years and older): FREE

*License fees are subject to change, so fees are listed separately and not part of the ordinance. (Fee listing is next page after ordinance.)

D. PROCEDURE FOR LICENSE APPLICATIONS AND ISSUANCE:

1) License sales procedures shall be determined by the Shellfish Conservation Committee, approved by the Board of Selectmen, and submitted to the Commissioner of Marine Resources for concurrence at least 30 days prior to the licenses going on sale.

2) After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to the first day of the period of issuance, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.

E. **Unlimited License Sales**: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year;

1) The Town Clerk shall issue licenses as allocated. On the first day of license sales, the total number of non resident commercial licenses shall be issued in accordance with DMR Regulations Chapter 7.4 section1 .Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. §6671(3-E) and DMR Regulations Chapter 7.4, Section 2, Table 1.

2) For each recreational license category, the Town Clerk shall issue one license to a resident and one to a nonresidents; thereafter one nonresident license will be issued for every ten additional resident licenses issued.

F. LICENSE EXPIRATION DATE: Each license issued under authority of this ordinance expires at midnight on the 30th day of June, next following date of issue.

G. RECIPROCAL HARVESTING PRIVILEGES: Licenses from any other municipality on a joint shellfish management program may harvest shellfish according to the terms of their licenses.

H. SUSPENSION: Any shellfish licensee having three (3) convictions for a violation of this ordinance shall have his/her shellfish license automatically suspended for a period of thirty (30) days. This pertains to any violation of this ordinance.

i. A licensee whose shellfish license has been suspended pursuant to this ordinance may reapply for a license only after the suspension period has expired.

ii. The suspension shall be effective from the date of mailing of a Notice of Suspension by the appointed agent/Town Clerk to the licensee.

iii. Any licensee whose shellfish license has been automatically suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written Request for Hearing with the appointed agent/Town Clerk within thirty (30) days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen by filing a written Request of Appeal with the appointed agent/Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

6. Opening and Closing of Flats: The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendation of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources Area Biologist that the status of shellfish resource and other factors bearing on sound management indicate an area should be closed or opened, the Municipal Officers may call a public hearing on ten (10) days notice published in a newspaper having general circulation in the town, stating the time, place, and subject matter of the hearing, and shall submit a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact. When an area that has been closed by the State becomes opened by the State, it shall remain closed by the Town for conservation.

Public notice of municipal conservation closures or openings shall be provided in accordance with DMR Regulations Chapter 7.50(1)

It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the town of , Jonesport in accordance with DMR Regulation, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MSRA Title 12 §6671.

7. Minimum Legal Size of Soft shell Clams: It is unlawful for any person to possess soft shell clams within the Town of Jonesport, Washington County, which are less than two (2) inches in the longest diameter except as provided by Subsection B of this section.

A. Definitions:

i.) Lot: The word "lot" as used in this ordinance means the total number of soft shell clams in any bulk pile. When soft shell clams are in a box, barrel or other container, the contents of each box, barrel, or other container constitutes a separate lot.

ii) Possess: For the purposes of this section, "possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam shell stock.

B. Tolerance: Any person may possess soft shell clams that are less than two (2) inches if they comprise less than ten percent (10%) of any lot. The tolerance shall be determined by numerical count of not less than one (1) peck nor more than four (4) pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one (1) peck.

C. Penalty: Whoever violates any provision of This Section shall be punished as proved by 12 M.R.S.A., Section 6681.

8. **Penalty: A person who violates this ordinance shall be punished as provided by 12 M.R.S.A. Section 6671.**

A. No licensee shall knowingly be accompanied by an unlicensed digger, companion or assistant, while digging or taking shellfish from the shores, flats or waters of this municipality.

9. **Separability:** If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.

10. **Repeal:** Any ordinance regulating the harvesting or conservation of shellfish in the town and any provisions of any other town ordinance which is inconsistent with this ordinance is hereby repealed.

Signatures of Municipal Officers

Dwight E. Alley, Selectman

Harry Fish, Jr., Selectman

William K. Milliken, Selectman

BOARD OF SELECTMEN
TOWN OF JONESPORT

A True Copy: Attest
/s/ Tonia J. Merchant, Town Clerk
TOWN OF JONESPORT

TOWN OF JONESPORT
WASHINGTON COUNTY, MAINE
SHORELAND ZONING ORDINANCE



Retyped: December 8, 2009

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TOWN OF JONESPORT
Washington County, Maine
SHORELAND ZONING ORDINANCE

Section 1. PURPOSES

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structure and land users; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38, Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. APPLICABILITY

This Ordinance applies to all land areas within 250' (two hundred fifty feet) horizontal distance, of the normal high-water line of any great pond, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 75' (seventy-five feet), horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier or other structure extending beyond the normal high-water line of a water body or within a wetland.

Section 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE

This Ordinance, which was adopted by the municipal legislative body on June 22, 1991, shall not be effective unless approved by the Board of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Board of Environmental Protection for approval. If the Board of Environmental Protection fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the Shoreland Zoning Ordinance previously adopted on June 12, 1989 is hereby repealed. Any application for a permit submitted to the municipality within the forty-five day period shall be governed by the terms of this Ordinance if the Ordinance is approved by the Board of Environmental Protection.

Section 5. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

Section 8. AMENDMENTS

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of

Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

Section 9. DISTRICTS AND ZONING MAP

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Commercial Fisheries/Maritime Activities*
6. Stream Protection

*1992 Shoreland Zoning Ordinance Amendment

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Board of Environmental Protection.

Section 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and right of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

A. Maritime Activities District Boundaries

1. From the Northeasterly boundary of the Degenhardt lot, Map 1, Section 12, Lot 45, on the Northern shore of Moosabec Reach at Kelley Point, along the shoreline 250' back* and to the Northeasterly boundary of the fifty feet (50') public right of way to the shore, at the Southwestern boundary of A&A Properties Subdivision on Hopkins Point. *(Amended 6/17/2002)

2. Flake Point Sand Bar as shown of Tax Map 1, Section 5, Lot 69.

Section 11. LAND USE REQUIREMENT

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. NON-CONFORMANCE

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. Transfer of ownership: Non-conforming structures, lots, and uses may be transferred and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject of the provisions of the Ordinance.

2. Repair and Maintenance: The Ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use of structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

a. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% (thirty percent) or more, during the lifetime of a structure.

b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of the Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider in addition to the criteria in Paragraph 2 above, the physical condition and type of foundation present, if any.

4. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to water, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-Conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12 (C)(1)(a) above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA District, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C)(4) above.

E. Non-Conforming Lots

1. Non-conforming Lots: A non-conforming **vacant*** lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals. *(Amended 6/17/2002)

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and SUBSURFACE WASTEWATER DISPOSAL RULES are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section 13. ESTABLISHMENT OF DISTRICTS

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetland, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January , 1973.

The Natural Resources Protection Act, Title 38, Sections 480-A thru 480-S, requires the Department of Environmental Protection to designate areas of “significant wildlife habitat”. Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

As these areas are mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA’s Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality; such as:

a. Other important wildlife habitat;

b. Natural sites of significant scenic or esthetic value;

c. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and

d. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development District, or the Commercial Fisheries/Maritime Activities District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, racetracks and fairgrounds.

2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development; however, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

NOTE: See definition of "great pond classified GPA" in Section 17.

E. Commercial Fisheries/Maritime Activities District

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

1. Shelter from prevailing winds and waves;
2. Slope of the land within 250 feet, horizontal distance, of the normal high-water line;
3. Depth of the water within 150 feet, horizontal distance, of the shoreline;
4. Available support facilities including utilities and transportation facilities; and
5. Compatibility with adjacent upland uses.

F. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetland, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

G. CG/MA Zone – Setback Requirement:

New residential structures within the MDA/CF/MA will be permitted, with the setback regulation being the same as for new residential structures within the Limited Residential area of the Shoreland Zone. (Amended: 1992 Shoreland Zoning Ordinance)

Section 14. TABLE OF LAND USES

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

YES = Allowed (no permit required but the use must comply with all applicable land use standards)

NO = Prohibited

PB = Requires permit issued by the Planning Board

CEO = Requires permit issued by the Code Enforcement Officer

LPI = Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP = Resource Protection

LR = Limited Residential

LC = Limited Commercial

GD = General Development

CFMA = Commercial Fisheries/Maritime Activities

1 = In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

2 = Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3 = In RP not permitted in areas so designated because of wildlife value.

4 = Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5 = Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).

6 = See further restrictions in Section 15 (L)(2).

7 = Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from Planning Board.

8 = Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.

The following notes are applicable to the Land Uses Table on page 11:

NOTE: The term “functionally water-dependent use” as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and which are prohibited in each CFMA district, based on considerations of prevailing existing uses, desired future, available support facilities, site suitability and compatibility with adjacent uses. A municipality can narrow the range of permitted uses by precluding certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-dependent uses that it determines would only be compatible with its plan for the waterfront under certain conditions.

NOTE: Recreational water-dependent uses such as marinas and excursion vessels may in some communities displace or threaten to displace traditional commercial fisheries and maritime activities. Therefore, communities may wish to preclude or further limit these types of uses in this district in order to protect berthing and onshore staging areas for commercial fishing enterprises.

LAND USES	SP	RESOURCE PROTECTION	LIMITED RESIDENTIAL	LIMITED COMMERCIAL	GENERAL DEVELOPMENT	COMMERCIAL FISHERIES/MARITIME ACTIVITIES
Non-intensive recreational uses not requiring structures, such as: hunting, fishing and hiking	Yes	Yes	Yes	Yes	Yes	Yes
Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes	Yes	Yes
Forest management activities except for timber harvesting	Yes	Yes	Yes	Yes	Yes	Yes
Timber	Yes	CEO1	Yes	Yes	Yes	Yes

harvesting						
Clearing of vegetation for approved construction & other allowed uses	CEO	CEO1	Yes	Yes	Yes	Yes
Fire prevention activities	Yes	Yes	Yes	Yes	Yes	Yes
Wildlife management practices	Yes	Yes	Yes	Yes	Yes	Yes
Soil & water conservation practices	Yes	Yes	Yes	Yes	Yes	Yes
Mineral exploration	No	Yes2	Yes2	Yes2	Yes2	Yes2
Mineral extraction including sand and gravel extraction	No	PB3	PB	PB	PB	PB
Surveying & resource analysis	Yes	Yes	Yes	Yes	Yes	Yes
Emergency operations	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture	Yes	PB	Yes	Yes	Yes	Yes
Aquaculture	PB	PB	PB	Yes	Yes	Yes
Principal structures and uses						
One and two family residential	PB4	No	CEO	CEO	CEO	PB
Multi-unit residential	No	No	PB	PB	PB	No
Commercial	No	No	No	PB	PB	PB5
Industrial	No	No	No	No	PB	PB5
Governmental and Institutional	No	No	No	PB	PB	PB5
Small non-residential facilities for educational, scientific or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
Structures accessory to allowed uses	PB4	PB	CEO	CEO	Yes	Yes
Piers, docks,						

wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland a. temporary b. permanent	CEO PB	CEO PB	CEO PB	CEO PB	CEO PB	CEO PB
Conversions of seasonal residences to year-round residences	LPI	No	LPI	LPI	LPI	PB
Home occupations	PB	No	PB	CEO	Yes	Yes
Private sewage disposal systems for allowed uses	LPI	No	LPI	LPI	LPI	LPI
Essential services	PB6	PB6	PB	PB	PB	PB
Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes
Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
Campgrounds	No	No	PB	PB	PB	No
Road and driveway construction	PB	No8	PB	PB	PB	PB5
Parking facilities	No	No7	PB	PB	PB	PB
Marinas	PB	No	PB	PB	PB	PB
Filling & earthmoving of <10 cubic yards	CEO	CEO	Yes	Yes	Yes	Yes
Filling & earthmoving >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
Signs	Yes	Yes	Yes	Yes	Yes	Yes
Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO

Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB
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NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, Pursuant to Title 38, M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise de-watering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any structure or alteration of a permanent structure.

Section 15. LAND USE STANDARDS

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1.	MINIMUM LOT AREA (SQUARE FEET)	MINIMUM SHORE FRONTAGE (FEET)
Residential per dwelling unit		
a. Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
Governmental, Institutional, Commercial or Industrial per principal structure		
a. Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries & Maritime Activities.	40,000	200
b. Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities.	None	None
c. Within the Shoreland one Adjacent to Non-tidal Areas	60,000	300
Public and Private Recreational Facilities		
a. Within the Shoreland Zone Adjacent to Non-tidal Areas	40,000	200

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structure

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback.

In addition:

a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

b. All principal structures along Significant River Segments as listed in Title 38, M.R.S.A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

A municipality may, within its ordinance, authorize the Planning Board to increase the required setback of a proposed structure, as a condition to permit approval, if necessary, to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope, shallow or erodible soils; or where an adequate vegetative buffer does not exist.

2. Principal or accessory structures and expansions of existing structures that are permitted in Resource Protection, Limited Residential, Limited Commercial and Stream Protection Districts, and all residential structures in the CFMA, shall not exceed thirty-five (35) feet in height.
(Amended from 30 ft on May 18, 2015)

(a) This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. *(Amended: 3-10-2003)*

(b) The height of a structure shall exclude a non-habitable feature mounted on a structure roof for observation purposes, such as a cupola, a dome or a widow's walk, provided the following conditions are met:

- (i) the feature is being added to, or is part of, a conforming structure,
- (ii) the structure is not located in a Resource Protection or Stream Protection District,
- (iii) the feature does not extend beyond the exterior walls of the structure,
- (iv) the feature has a floor area of fifty-three (53) square feet or less, and
- (v) the feature does not increase the height the structure, as defined, more than seven (7) feet.

3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

4. The total area of all new or expanded structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including area previously developed, except strictly maritime and water dependent uses in the General Development District adjacent to tidal waters and river which do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent. (Amended: 6-17-2002)

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width ; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

5. No new structures shall be built on, over or abutting a pier, wharf, deck or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State Licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreation vehicle.

4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities;
- b. Auto or other vehicle service and/or repair operations, including body shops;
- c. Chemical and bacteriological laboratories;
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normal associated with individual households or farms;
- e. Commercial painting, wood preserving, and furniture stripping;
- f. Dry cleaning establishments;
- g. Electronic circuit assembly;
- h. Laundromats, unless connected to a sanitary sewer;
- i. Metal plating, finishing, or polishing;
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
- k. Photographic processing;
- l. Printing.

G. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development and Commercial Fisheries/Maritime Activities Districts may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:

- a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

- b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the

water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

3. New permanent roads are not permitted within the Shoreland zone along Significant River Segments except:

a. To provide access to structures or facilities within the zone; or
b. The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

4. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

5. Road banks shall be no steeper than slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.

6. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

7. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0-2	250
3-5	200-125
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be permitted without restriction.

6. No sign shall extend higher than twenty (20) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff controls systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (Rules).

The Rules, among other requirements, include:

a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.

2. Unless authorized pursuant to the Natural Resources Protection Act, title 38, MRSA, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within

one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. (The State of Maine Solid Waste Laws, Title 38, MRSA, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.)

b. The final graded slope shall be two to one (2:1) slope or flatter.

c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be re-seeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the MAINE GUIDELINES FOR MANURE AND MANURE SLUDGE DISPOSAL ON LAND, published by the University of Maine Soil & Water conservation Commission on July, 1972.

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this Ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

Assistance in preparing a Soil and Water Conservation Plan may be available through the local Soil and Water Conservation District Office.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance of tributary streams, and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

REPEAL ALL OF SECTION O. Timber Harvesting- FYI (A municipality may choose to have the statewide standards apply to timber harvesting and timber harvesting activities in

that municipality by authorizing the repeal of all provisions within the municipal shoreland zoning ordinance that regulate timber harvesting and timber harvesting activities in shoreland areas and notifying the Director of the Bureau of Forestry within the Department of Conservation of the repeal. The authorization must specify a repeal date that is consistent with the effective date of the statewide timber harvesting standards. Then, beginning on the effective date of the statewide standards, the Bureau of Forestry will administer and enforce those standards within that municipality.)(Effective date of this repeal was May 18, 2015)

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for Resource Protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings great than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear cut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.

b. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.

c. Timber harvesting equipment shall not use stream channels as travel routes except when:

i. Surface waters are frozen; and

ii. The activity will not result in any ground disturbance.

d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.

f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland. *All of Section O was repealed as of May 18th, but left in Ordinance for reference purposes only.*

P. Clearing of Vegetation for Development

1. Within the shoreland area zoned for Resource Protection abutting great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in the district.

2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening great than two hundred fifty (250) square feet in the forest canopy as measured from the outer limits of the tree crown. However, a foot path not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.

b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section, a “well-distributed stand of trees and other vegetation” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot quare (625 square feet) area as determined by the following rating system:

Diameter of Tree at 4-1/2 Feet Above Ground Level	Points
2 – 4 inches	1
>4 – 12 inches	2
>12 inches	4

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees and other vegetation” is defined as maintaining a minimum rating score of 8 per 25-foot square area.

Note: As an example, adjacent to a great pond, if a 25-foot X 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21-12=9) may be removed from the plot provided that no cleared openings are created.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4-1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a foot path or other permitted uses as described in paragraphs 2 and 2a above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas; however, shall be limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4-1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- a. Mulching and re-vegetation of disturbed soil,
- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches,
- c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
- b. Anchoring the mulch with netting, pet and twine or other suitable method may be required to maintain the mulch cover.
- c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to

carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Profession Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses of the water classification of the water body.

T. Archeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. ADMINISTRATION

A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or re-appointed annually by July 1st.

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of State law.

B. Permits Required

After effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structures requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct.

If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete.

The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District;
8. Will avoid problems associated with flood plain development and use; and
9. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one (1) year of the date of the permit, the permit shall lapse and become void.

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting the

validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Power and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the code Enforcement Officer of Planning Board in the enforcement or administration of this Ordinance.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

Variances may be permitted only under the following conditions:

a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

1. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

2. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

i. That the land in question cannot yield a reasonable return unless a variance is granted;

ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

iii. That the granting of a variance will not alter the essential character of the locality; and

iv. That the hardship is not the result of action taken by the applicant or a prior owner.

d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

f. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

3. Appeal Procedure

a. Making an Appeal

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board.

Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

- i. A concise written statement indicating what relief is requested and why it should be granted.
- ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical feature of the lot pertinent to the relief sought.

3. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

4. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

1. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

3. The person filing the appeal shall have the burden of proof.

4. The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

5. All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

H. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provisions of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and

abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On an annual basis, a summary of this record shall be submitted to the Director of Bureau of Land Quality Control within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines with Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4506.

Current penalties include fine of not less than \$100.00 nor more than \$2,500.00 per violation for each day that the violation continues.

Section 17. DEFINITIONS

1. Accessory structure or use – a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

2. Agriculture – the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages, and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

3. Aggrieved party – an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

4. Aquaculture – the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

5. Boat Launching Facility – a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

6. Campground – any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

7. Coastal wetlands – all lands, tidal and sub-tidal lands; below any identifiable debris line left by ***MEAN HIGH WATER**; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, march, bog, beach, flat or other contiguous low land which is subject to tidal action during the ***MAXIMUM SPRING TIDE LEVEL** as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. (*Amended: 3/12/2001)

8. Commercial use – the use of lands, buildings, or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

9. Dimensional requirements – numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

10. Driveway – a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

11. Emergency operations – operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

12. Essential services – the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

13. Expansion of a structure – an increase in the floor area or volume of a structure, including all extensions such as, but limited to attached: decks, garages, porches and greenhouses.

14. Expansion of use – the addition of weeks or months to a user’s operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

15. Family – one or more persons occupying a premises and living as a single housekeeping unit.

16. Floor area – the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

17. Forest management activities – timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

18. Foundation – the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

19. Freshwater wetland – freshwater swamps, marshes, bogs and similar areas which are:

a. Of ten or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and

b. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

20. Functionally water-dependent uses – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these water. The uses, include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage, and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

21. Great pond – any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

22. Great pond classified GPA – any great pond classified GPA, pursuant to Title 38, Article 4-A, Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

23. Height of a structure – the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenance which have no floor area.

24. Home occupation – an occupation or profession which is customarily conducted on or in a residential structure or property and which is:

a. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

b. which employs no more than two (2) persons other than family members residing in the home.

25. Individual private campsite – an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or ten platforms.

26. Industrial – the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

27. Lot area – the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

28. Marina – a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

29. Market value – the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

30. Minimum lot width – the closest distance between the side lot lines of a lot.

31. Mineral exploration – hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

32. Mineral extraction – any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

33. Multi-unit residential – a residential structure containing three (3) or more residential dwelling units.

34. Non-conforming lot – a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

35. Non-conforming structure – a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

36. Non-conforming use – use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

37. Normal high-water line – that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

38. Person – an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

39. Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland –

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

40. Principal structure – a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

41. Principal use – a use other than one which is wholly incidental or accessory to another use on the same premises.

42. Public facility – any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

43. Recent flood plain soils – the following soil series as described and identified by the national Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

44. Recreational facility – a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

45. Recreational vehicle – a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Bureau of Motor Vehicles

46. Replacement system – a system intended to replace:

- a. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
- b. any existing overboard wastewater discharge.

47. Residential dwelling unit – a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

48. Riprap – rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

49. River – a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

50. Road – a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

51. Salt marsh – areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is salt marsh cord grass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pond weed.

52. Salt meadow – areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cord grass (*Spartina patens*) and black rush; common three square occurs in fresher areas.

53. Service drop – any utility line extension which does not cross or run beneath any portion of a water body provided that:

- a. in the case of electric service
 - i. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - ii. the total length of the extension is less than one thousand (1,000) feet.
- b. in the case of telephone service
 - i. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - ii. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

54. Setback – the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

55. Shore frontage – the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

56. Shoreland zone – the land area located within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

57. Significant River Segments – See Title 38 MRSA Section 437.

58. Stream – a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minutes series topographic map, to the point where the body of water becomes a river.

59. Structure – anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

60. Substantial start – completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

61. Subsurface sewage disposal system – a collection of treatment tank(s) disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38MRSA< Section 414, any surface wastewater disposal system licensed under 38 MRSA< Section 413, Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA, Chapter 13, subchapter 1.

62. Sustained slope – a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

63. Timber harvesting – the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

64. Tributary stream – a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

65. Upland edge – the boundary between upland and wetland.

66. Vegetation – all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured a 4-1/2 above ground level.

67. Volume of a structure – the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

68. Water body – any great pond, river, stream or tidal area.

69. Water Crossing – any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

70. Wetland – a freshwater or coastal wetland.

71. Wetlands associated with great ponds and rivers – wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

(New items indicated with an “**”)

MARITIME DISTRICTING AMENDMENT

Land Uses	Resource Protection	Limited Residential-Recreational	General Development	*Harbor District	*Maritime Activities District
1. Non-intensive recreation uses not requiring structures, such as hunting, fishing & hiking	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on roads, trails & snowmobiles	Yes	Yes	Yes	Yes	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	Yes	Yes	Yes
4. Timber harvesting*	CEO	Yes	Yes	Yes	Yes
5. Fire prevention activities	Yes	Yes	Yes	Yes	Yes
6. Wildlife management practices	Yes	Yes	Yes	Yes	Yes
7. Soil and Water conservation practices	Yes	Yes	Yes	Yes	Yes
8. Mineral exploration*	Yes	Yes	Yes	Yes	Yes
9. Surveying & resource analysis	Yes	Yes	Yes	Yes	Yes
10. Emergency operations as defined	Yes	Yes	Yes	Yes	Yes
11. Harvesting of wild crops	Yes	Yes	Yes	Yes	Yes
12. Agriculture*	PB	Yes	Yes	Yes	Yes
13. Principal Structures*					
a. Single family dwelling units	No	PB	PB	PB	PB
b. Two family dwelling units	No	PB	PB	PB	PB
c. Multi-family dwelling units (conversion)	No	PB	PB	PB	PB
d. Lodging units (not including Bed & Breakfast)	No	PB	PB	PB	No
e. Commercial structures	No	No	PB	PB	PB
f. Industrial structures	No	No	PB	PB	No
g. Governmental structures	No	PB	PB	PB	PB
h. Institutional structures	No	No	PB	PB	No
14. Structures accessory to permitted uses*	CEO	CEO	CEO	CEO	PB
15. Small non-residential facilities for education, scientific or natural interpretation purposes	PB	Yes	Yes	Yes	Yes
16. Public and private parks and recreation areas involving minimal structural development	PB	Yes	Yes	Yes	Yes
17. Home occupation/profession*	PB	Yes	Yes	Yes	Yes
18. Campgrounds*				PB	No
19. Marine related activities				PB	PB
a. Commercial fishing activities	PB	PB	PB	Yes	Yes

b. Functionally water-dependent uses	PB	PB	PB	PB	Yes
c. Maritime activities	PB	PB	PB	PB	Yes
20. Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 ft in length and uses projecting into, on or over water bodies.*					
Temporary	CEO	CEO	CEO	CEO	CEO
Permanent	PB/DEP	PB/DEP	PB/DEP	PB/DEP	PB/DEP
21. Road construction*	PB	PB	PB	PB	PB
22. Beach construction	No	PB	PB	PB	PB
23. Clearing for approved construction*	CEO	Yes	Yes	Yes	Yes
24. Essential services accessory to permitted uses	Yes	Yes	Yes	Yes	Yes
25. Private sewage disposal systems*	No	LPI	LPI	LPI	LPI
26. Public utilities, including sewage collection & treatment facilities	PB	PB	PB	PB	PB
27. Signs*	Yes	Yes	Yes	Yes	Yes
28. Filling or other earth-moving activity of less than 10 cubic yards	CEO	Yes	Yes	Yes	Yes
29. Filling or other earth-moving activity of more than 10 cubic yards.	PB	CEO	CEO	CEO	CEO
30. Uses similar to permitted uses	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring permit	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

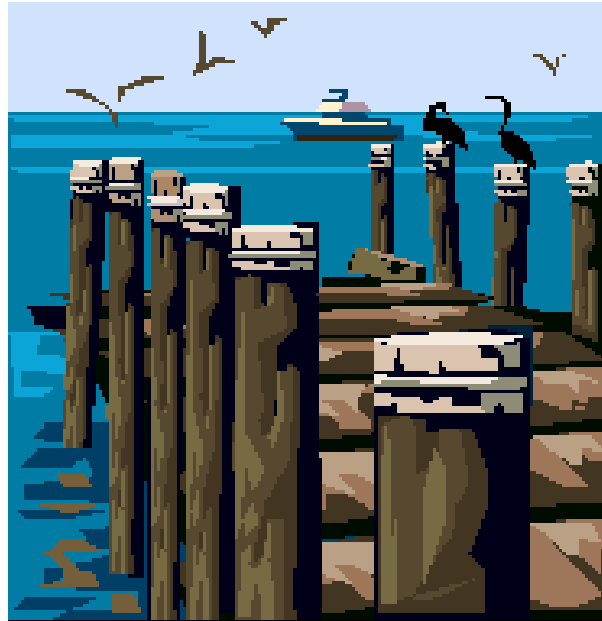
This Amendment entitled “MARITIME DISTRICTING AMENDMENT TO SHORELAND ZONING ORDINANCE” was included in Article 2 of the Special Town Meeting held on Monday, June 12, 1989 at 7:00 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek, Jonesport in which approx. sixty-six (66) registered voters attended. Article 2 was voted on and was approved by a vote of thirty (30) to zero (0).

The Official Maritime Districting Ordinance Map was amended at the Special Town Meeting held on June 17, 2002 at Jonesport-Beals High School Gymnasium at Snare Creek. (Note: NEXT PAGE)

Existing Section 15 Land Use Standards B. Principal and Accessory Structure 2 was included in Article 29 of the Special Town Meeting held on Monday, May 18, 2015 at 6:00 p.m. at the Jonesport Elementary School Gymnasium at Snare Creek, Jonesport, in which approx. 26 registered voters attended. Article 29 was voted on and was approved by a vote of twenty-two (22) to zero (0).

“Repeal all of Section O-Timber Harvesting of the Town of Jonesport, Washington County, Maine Shoreland zoning ordinance” was included in Article 30 of the Special Town Meeting held on Monday, May 18, 2015 at 6:00 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek, Jonesport in which approx twenty-six (26) registered voters attended. Article 30 was voted on and approved by a vote of twenty-two(22) to one(1).

THE TOWN OF JONESPORT PLANNING BOARD



SUBDIVISION REGULATONS

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This ordinance entitled “JONESPORT SUBDIVISION REGULATIONS ORDINANCE” was included in Article 6 of a Special Town Meeting Warrant held on Tuesday, January 19, 1988 at 7:00 p.m. at the Jonesport Fire Station at West Jonesport in which about sixty (60) registered voters attended. The Article was voted on and was approved by a vote of twenty-seven (27) to four (4).

/s/ Donald J. Stewart, Sr., First Selectman
 Chester Lenfestey, Sr., Second Selectman
 /s/ Leo J. Hayward, Third Selectman
 BOARD OF SELECTMEN
 TOWN OF JONESPORT

A True Copy: Attest
 /s/ Ida F. Higgins, Town Clerk
 Town of Jonesport

ARTICLE I: PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people, of the Town of Jonesport, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Jonesport, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30, MRSA §4956, Subsection 3. The subdivision:

- 1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and sub soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;
- 1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- 1.4 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- 1.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- 1.6 Will provide for adequate solid and sewage waste disposal;
- 1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- 1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and
- 1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.
- 1.10 The sub divider has adequate financial and technical capacity to meet the above stated standards.
- 1.11 Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonable affect the shoreline of that body of water.
- 1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality of quantity of ground water.
- 1.13 All principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100 year flood elevation.

ARTICLE II: AUTHORITY AND ADMINISTRATION

2.1 Authority

A. These standards have been prepared in accordance with the provisions of Title 30 MRSA, §4956, Subsection 2.

B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Jonesport, Maine".

2.2 Administration

A. The Planning Board of the Town of Jonesport, hereinafter called the Board, shall administer these standards.

B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30, MRSA, §4956, Subsection 1, within the boundaries of the Town of Jonesport.

ARTICLE III: DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30 MRSA, Section 4961.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleep, bathing and sanitary facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

Normal High Water of Coastal Waters: That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

Normal High Water Elevation of Inland Waters: That line on the shores of banks on non tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, ladies slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated in places where it can be determine by the above method.

Industrial Park or Development: A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area the streets or access and the areas which are unsuitable for development as outlined in Section 10.3.

Net Residential Density: The average number of dwelling units per net residential acre.

Official Submittal Date: The date upon which the board issues a receipt indicating a complete application has been submitted.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Planned Unit Development: A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of the land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The Planning Board of the Town of Jonesport, created under Title 30 MRSA, 4964.

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the sub divider not indicated on the approved plan.

Solar Collector: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes to a building's energy supply.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (when used), and components for the distribution of transformed energy.

Street: Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classification:

ARTERIAL STREET: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

COLLECTOR STREET: A street servicing at least fifteen lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

INDUSTRIAL or COMMERCIAL STREET: Streets servicing industrial or commercial uses.

MINOR STREET: A street servicing less than fifteen lots or dwelling units.

PRIVATE RIGHT OF WAY: A vehicular access way serving no more than two dwelling units.

Subdivision: The division of a tract or parcel of land into three or more lots within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption, unless the intent of such gift is to avoid the objectives of these regulations, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of these regulations.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create the third lot, unless both such dividing are accomplished by a sub divider who shall have retained one of such lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Lots of forty or more acres shall not be counted as lots.

For the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of the land on both sides thereof.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing not more than four lots or dwelling units, and in which no street is proposed to be constructed.

Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting land owners.

ARTICLE IV: ADMINISTRATIVE PROCEDURE

4.1 Purpose. The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

4.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

ARTICLE V: PREAPPLICATION

5.1 Procedure.

A. Applicant presentation and submission of sketch plans.

B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.

C. Scheduling of on-site inspection

5.2 Submission. The pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be super imposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

5.3 Contour Interval and On-Site Inspection. Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property.

5.4 Rights not vested. The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, §302.

ARTICLE VI: MINOR SUBDIVISIONS

6.1 General. The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.

6.2 Procedure.

A. Within six months after the on-site inspection by the Board, the sub-divider shall submit an application for approval of a Final Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so may require resubmission of the Sketch Plan to the Board. The Final Plan

shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$80.00 payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the additional costs of advertising and postal notification.

Owners of abutting property to a subdivision should be notified when an application for subdivision approval is submitted. Some Boards may want the applicant to do the notification, while other Boards may wish to notify the abutters themselves.

C. The sub-divider shall certify to the Board that all owners of abutting property have been notified that an application for subdivision approval has been submitted to the Board.

D. The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the subdivision plan.

E. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub-divider. The Board shall determine whether to hold a public hearing on the Final Plan application.

F. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub-divider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions.

A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 48 inches in size, and shall have a margin of two inches outside the border lines on the left side for binding and one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted.

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.

5. Indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District stating the district has the capacity to collect and treat the wastewater shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
6. Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, shall be submitted.
7. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the plan, and the names of adjoining property owners.
8. A copy of the portion of the county Soil Survey covering the subdivision.
9. Contour lines at the interval specified by the Planning Board showing elevations in relation to Mean Sea Level.
10. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

ARTICLE VII: PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure.

A. Within six months after the on-site inspection by the Board, the sub-divider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$15.00 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$25.00 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant, and require that an additional \$10.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$10.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

Owners of abutting property to a subdivision should be notified when an application for subdivision approval is submitted. Some Boards may want the applicant to do the notification, while other Boards may wish to notify the abutters themselves.

D. The sub-divider shall certify to the Board that all owners of abutting property have been notified that an application for subdivision approval has been submitted to the Board.

E. Within thirty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

F. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.

G. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the sub-divider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

H. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;
2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety and general welfare; and
3. The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan;

I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

7.2 Submissions.

A. Location Map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

B. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distance, of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.

5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.

6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.

7. Indication of the type of sewage disposal to be used in the subdivision.

a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

8. Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a letter from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the plan.

10. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.

11. The location of any zoning boundaries affecting the subdivision.

12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

13. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

14. The width and location of any streets or public improvements shown upon the Official map and the Comprehensive Plan, if any, within the subdivision.

15. The proposed lot lines with approximate dimensions and lot areas.

16. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

17. The location of any open space to be preserved and an indication of its improvement and management.

18. A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District.

19. A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer.

20. A copy of that portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

ARTICLE VIII: FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure.

A. The sub-divider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board.

B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of \$20.00 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.

C. The sub-divider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

D. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the sub-divider. The Board shall determine whether to hold a public hearing on the Final Plan application.

E. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
2. The servicing water utility, if an existing public water service is to be used.
3. Maine Department of Human Services, if the sub-divider proposes to provide a central water supply system.
4. The servicing sewer district, if an existing public sewage disposal system is to be used.
5. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

F. A public hearing may be held by the Planning Board within thirty days after the issuance of receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

G. The Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

H. Before the Board grants approval of the Final Plan, the sub-divider shall meet the performance guarantee requirements contained in Article XII.

I. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.

J. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application if no hearing is held, shall make findings of fact, and conclusions relative to the

standards contained in Title 30, MRSA, §4956, subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of these standards of the Statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions.

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 48 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The sub-divider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan. In addition, one copy of the Final Plan, reduced to a size of 8 ½ by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

The application for approval of the Final Plan shall include the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District indicating the District has reviewed and approved the sewerage design shall be submitted.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
 1. When water is to be supplied by public water supply, a written statement indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.
 2. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydro geologist familiar with the area.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every

street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles of curves, tangent distances and tangent bearings for each street shall be included.

- J. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
- K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- L. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:
 - Schools, including busing
 - Street maintenance and snow removal
 - Police and fire protection
 - Solid waste disposal
 - Recreation facilities
 - Storm water drainage
 - Wastewater treatment
 - Water supply

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

- M. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood evaluation shall be delineated on the plan.

8.3 Final Approval and Filing.

A. No plan shall be approved by the Planning Board as long as the sub-divider is in default on a previously approved Plan.

B. Upon findings of fact and determination that all standards in Title 30, MRSA, §4956, subsection 3, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there

is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the Plan to be divided into sections to prevent classroom overcrowding.

D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.1C. The Board shall make findings that the revised plan meets the standards of Title 30, MRSA, §4956, subsection 3, and these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.\

F. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE IX: ENFORCEMENT

9.1 Inspection of Required Improvements.

A. At least five days prior to commencing each major phase of construction of required improvements, the sub-divider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub-divider, he shall so report in writing to the Municipal Officers, Planning Board, and the sub-divider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc, the sub-divider shall obtain permission to modify the plans from the Board.

D. At the close of each summer construction season the Town shall, at the expense of the sub-divider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed

for. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the sub-divider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

G. The sub-divider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

9.2 Violations and Enforcement.

A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey and land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100.00, and not more than \$2500.00 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

E. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

G. No lot in a subdivision may be sold, leased or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

ARTICLE X: GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant.

10.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

10.2 Retention of Open Spaces and Natural or Historic Features.

A. In any subdivision larger than thirty-five acres, or more than twenty lots or dwelling units, the developer shall provide up to ten percent of his total area as open space. In any subdivision thirty-five acres or less, or containing twenty lots or dwelling units or less, the Board may request the developer to

provide up to ten percent of his total area as open space. The developer may instead make a payment in-lieu-of dedication into a municipal land acquisition fund.

B. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or play field, should be relatively level and dry, have a frontage on one or more streets. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

C. Reserved land acceptable to the Board and sub-divider may be dedicated to the municipality as a condition of approval.

D. The Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24" diameter breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

10.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law.

A. Land which is situated below the normal high water mark of any water body.

B. Land which is located within the 100 year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the sub-divider shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two feet above the 100 year flood level. The elevation of filled or made land shall not be considered.

C. Land which is part of a right-of-way, easement, including utility easements.

D. Land which has a water table within ten inches of the surface for at least three months of the year as identified by the County Soil Survey. The Board may use such lands in the lot area calculations if municipal sewage collection and treatment is provided and if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.

E. Land that has been created by filling or draining a pond or wetlands.

10.4 Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 11.2M. Maintenance obligations of the easement shall be included in the written description of the easement.

10.5 Lots.

A. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.

C. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

D. Wherever possible, side lot lines shall be perpendicular to the street.

E. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.

F. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size; it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

G. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

H. Lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board.

10.6 Utilities.

A. The size, type and location of street lights, electric and gas lines, telephone, and other utilities shall be shown on the plan and approved by the Board.

10.7 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

A. Monuments.

1. Stone monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

2. Stone monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135' or less.

3. Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes, ½ inch deep shall locate the point or points described above.

4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation.

B. Water Supply.

1. When a subdivision is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the sub-divider.

a. The sub-divider shall provide a written statement from the servicing water company or district that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The sub-divider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.

b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the Fire Chief.

2. When the location of a subdivision does not allow for a financially reasonable connection to a public water supply system the Planning Board may allow the use of individual wells or a private community water system.

a. Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the sub-divider shall prohibit dug wells by deed restrictions and a note on the plan.

b. If a central water supply system is provided by the sub-divider, the location and protection of the source, and the design, construction and operation of the system and shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 ACMR 231).

c. The sub-divider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

C. Sewage Disposal.

1. Public system.

a. A sanitary sewer system shall be installed at the expense of the sub-divider when there is a public sanitary sewer line located within 1000 feet of the proposed subdivision at its nearest point. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the systems collection and treatment system.

b. The sewer district shall review and approve in writing the construction drawings for the sewage system.

2. Private systems.

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

b. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

D. Surface Drainage.

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.

2. Drainage easements for existing water-courses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.

3. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from abutting property owners, allowing such additional discharge shall be obtained.

4. A storm water drainage plan, showing ditching culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 11.4, shall be submitted.

10.8 Land Features.

A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

C. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred feet inland from all points along the normal high water mark shall be limited in accordance with the following:

1. No more than 30% of the length of the strip shall be clear-cut to the depth of the strip.
2. Cutting of this 30% shall not create a clear-cut opening greater than thirty feet wide.
3. In the remaining 70% length of the strip, no trees larger than four inches diameter at breast height shall be cut, and sufficient cover to preserve natural beauty and control erosion shall remain.

10.9 Cluster Developments.

A. Purpose.

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the Zoning District in which the development is proposed. To this end, the layout, and dimensional requirements of the Zoning Ordinance may be altered without restriction except height limitations.

B. Basic Requirements.

1. All the requirements and standards of these regulations, except those dealing with lot layout and dimensions shall be met.
2. The minimum area of land in a cluster development shall be ten acres, except where there is public water and sewer.
3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.
4. No building shall be constructed on soil types classified by the SCS as being poorly or very poorly drained.
5. Where a cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
6. In cluster developments with individual lot sizes of 20,000 sq. ft. or less, all dwelling units shall be connected to a common water supply and distribution system, either public or private.
7. In cluster developments with individual lot sizes of 20,000 sq. ft. or less, all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.
8. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes, and natural drainage areas, in accordance with an overall plan for site development and landscaping.

10.10 Dedication and Maintenance of Common Open Space and Services.

1. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.
2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.
3. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
 - a. It shall not be used for future building lots; and
 - b. A part or all of the common open space may be dedicated for acceptance by the municipality.

4. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

5. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

6. The homeowners association shall have the responsibility of maintaining the common property.

7. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

8. The developer or sub-divider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

10.11 Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

ARTICLE XI: STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

11.1 General Requirements.

A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

B. Sub-dividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

1. Date, scale, and magnetic or true north point.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data shall be indicated for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

C. Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and the Municipal Engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Municipal Engineer for review and comment.

11.2 Street Design Standards.

A. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

B. Streets shall be designed to discourage through traffic within a residential subdivision.

C. Wherever existing or other proposed streets, topography, and public safety permit, streets shall run in east-west directions to maximize access for solar energy utilization. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

D. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.

E. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

F. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

G. Where major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street.

H. Any subdivision containing fifteen dwelling units or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street serving fifteen dwelling units or more shall have at least two streets connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

I. The following design standards apply according to street classification:

<u>Description</u>	<u>Type of Street</u>				
	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private Right of Way</u>	<u>Industrial/ Commercial</u>
Minimum Right-of-Way Width	80'	50'	50'	50'	80'
Minimum Pavement Width	44'	24'	20'	12'	44'
Sidewalk Width	5'	5'	5'	N/A	8'
Minimum Grade	5%	5%	5%	N/A	5%
Maximum Grade	5%	6%	6%	10%	5%
Minimum Centerline Radius	800'	230'	150'	N/A	800'
Minimum Tangent between curves of reverse alignment	300'	200'	100'	N/A	300'
Roadway Crown	¼" per ft	¼" per ft	¼" per ft	N/A	¼" per ft
Minimum angle of street intersections	90'	90'	90'	90'	90'
Maximum grade within 75 ft of intersection	2%	2%	2%	N/A	2%
Minimum curb radii at intersections	30'	20'	15'	N/A	30'
Minimum r/o/w radii at	20'	10'	10'	10'	20'

intersections					
Minimum width of shoulders (each side)	3'	3'	3'	3'	9'

J. The centerline of the roadway shall be the centerline of the right-of-way.

K. Dead End Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line 65 ft; outer edge of pavement 50'. The Board may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

L. Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.

M. Sidewalks. Sidewalks shall be installed within all subdivisions within the urban compact area. Where installed, sidewalks shall meet these minimum requirements.

1. Bituminous Sidewalks.

a. The Gravel aggregate sub-base course shall be no less than twelve inches thick.

b. The crushed aggregate base course shall be no less than two inches thick.

c. The hot bituminous pavement surface course shall be no less than two inches after compaction.

2. Portland Cement Concrete Sidewalks.

a. The sand base shall be no less than six inches thick.

b. The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

N. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

11.3 Street Construction Standards.

A. Minimum thickness of material after compaction:

Minimum Requirements

Street Materials	Arterial	Collector	Minor	Private Right of Way	Industrial/ Commercial
Aggregate Sub-base Course (Max. sized stone 4")	18"	18"	18"	12"	18"
Crushed Aggregate Base Course	4"	3"	3"	3"	4"
<i>Hot Bituminous Pavement</i>					
Total Thickness	3 ¼"	2 ½"	2 ½"		3"
Surface Course	1 ½"	¾"	¾"		1 ¼"
Base Course	1 ¾"	1 ¾"	1 ¾"		1 ¾"

B. Preparation.

1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.

2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

3. All organic materials shall be removed to a depth of two feet below the sub-grade of the roadway. Rocks and boulders shall be removed to a depth of two feet below the sub-grade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below.

4. Side slopes shall be not steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

C. Bases and Pavement.

1. Bases.

a. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
¾ inch	25-70%
No. 40	0-30%
No. 200	1-7%

Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.

c. The Aggregate Base Course shall be sand or gravel or hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	45-70%
¾ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.

2. Pavement Joints. Where pavement joins an existing pavement, the existing

pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. Curbs and Gutters.

- a. Street curbs and gutters shall be installed as required by the Board.
- b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

4. Pavements.

a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.

b. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than $\frac{3}{4}$ inch maximums.

11.4 Storm Water Management Design Standards.

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under drain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Machias, Maine.

2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

3. Catch basins shall be installed where necessary and located at the curb line.

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The sub-divider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

11.5 Storm Drainage Construction Standards.

A. Materials.

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation of C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTOM 175 for the appropriate diameters.

2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with

a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved preformed plastic sleeve type.

3. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.

4. ABS Pipe (Acrylonitrile-butadiene-styrene) composite pipe fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

5. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

6. Manholes. Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTMA 283, Grade B or better) for structural steel.

7. Catch Basins. Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.

C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

11.6 Additional Improvements and Requirements.

A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If onsite disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

C. Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

11.7 Certification of Construction. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed

by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. "As built" plans shall be submitted to the Municipal Officers.

ARTICLE XII: PERFORMANCE GUARANTEES

12.1 Types of Guarantees. With submittal of the application for Final Plan approval, the sub-divider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers, or Town Manager;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

12.2 Contents of Guarantee. The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

12.3 Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the sub-divider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the sub-divider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the sub-divider and the amount withdrawn to complete the required improvements.

12.4 Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the sub-divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

12.5 Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

12.6 Conditional Agreement. The Board, at its discretion may provide for the sub-divider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 12.8.

12.7 Phasing of Development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

12.8 Release of guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

12.9 Default. If, upon inspection, the Town Engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the sub-divider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

12.10 Private Roads. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

12.11 Improvements Guaranteed. Performance guarantees shall be tendered for all improvements required by Section 10.7 of these regulations, as well as any other improvements required by the Board.

ARTICLE XIII: WAIVERS

13.1 Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or these regulations.

13.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.

13.3 In granting waivers to any of these regulations in accordance with Sections 13.1 and 13.2, the Board shall require such conditions as will assure the objectives of these regulations are met.

ARTICLE XIV: APPEALS

14.1 An aggrieved party may appeal any decision of the Board under these regulations to Washington County Superior Court.

APPENDIX A

Title 30, MRSA §4956. Land Subdivision

1. **Defined.** A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 23, 1971, whether accomplished by sale, lease, development buildings or otherwise, provided that division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such a tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a 3rd lot, unless both such dividing are accomplished by a sub-divider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5 years prior to such 2nd dividing. Lots of 40 or more acres shall not be counted as lots.

For the purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

2. **Municipal review and regulation**
 - a. **Reviewing Authority.** All requests for subdivision approval shall be reviewed by the municipal planning board, agency or office or if none, by the municipal officers, hereinafter called the municipal reviewing authority.
 - b. **Regulations.** The municipal reviewing authority may after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.
 - c. **Record.** On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.
 - c-1. Upon receiving an application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify that applicant and begin its full evaluation of the proposed subdivision.
 - d. **Hearing; order.** In the event that the municipal reviewing authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The municipal reviewing authority shall, within 30 days of a public hearing or within days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in subsection 3 and to satisfy any other regulations adopted by the reviewing authority, and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the reviewing authority shall make finding of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.

3. Guidelines. When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:
 - a. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
 - b. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
 - c. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
 - d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
 - e. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
 - f. Will provide for adequate sewage waste disposal;
 - g. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
 - h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
 - i. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;
 - j. The sub-divider has adequate financial and technical capacity to meet the above stated standards;
 - k. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;
 - l. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; and
 - m. The sub-divider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the sub-divider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

3-A. Access to direct sunlight. The planning board, agency or office or the municipal officers may, for purposes of protecting the assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

4. Enforcement. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and recorded in the proper registry of deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to the following: A granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision plat or plan shall be recorded by any registry of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved as required by this section shall be penalized in accordance with section 4966. The Attorney General, the municipality, the planning board of any municipality or the appropriate municipal officers may institute proceedings to enjoin the violations of this section.

All subdivision plats and plans required by this section shall contain the name and address of the person under who responsibility the subdivision plat or plan was prepared.

5. Exemptions. This section shall not apply to proposed subdivisions approved by the planning board or the municipal officials prior to September 23, 1971 in accordance with laws then in effect not shall it apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this section, a plan of which had been legally recorded in the proper registry of deeds prior to September 23, 1971. The division of a tract or parcel as defined by this section into 3 or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this section, shall not become subject to this section by the subsequent dividing of said tract or parcel of land or any portion thereof, however, the municipal reviewing authority shall consider the existence of such previously created lot or lots in reviewing a proposed subdivision created by such subsequent dividing.

6. Revisions to existing plat or plan. Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended.

If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall indicate on the index for the original plat or plan that it has been superseded by another plat or plan and shall reference the book

and page or cabinet and sheet on which the new plat or plan is recorded. In addition, the register shall ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

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